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APPELLATE COURT

Plan to sell Perrysburg site voided

By BRIAN MEYER
NEWS STAFF REPORTER

Buffalo's plan to sell property it owns in Perrysburg to a logging company has been voided by a state appellate court.

The 649-acre site, once home to Buffalo's tuberculosis hospital, has been the focus of a three-year dispute. Preservationists have battled plans by Buffalo and the state to allow Trathen Land Co. to acquire the former J.N. Adam Developmental Center.

Trathen has promised to manage the woodlands "responsibly" through sustainable logging.

But a ruling handed down by the Fourth Department of the Appellate Division of State Supreme Court voided the Common Council's vote of 2005.

Lawmakers had given up Buffalo's reversionary rights to the site in return for receiving 90 percent of the land's sale price from the state — or nearly \$334,000.

The court decision also voided the state's land sale contract with Trathen, siding with opponents that the state failed to perform valid environmental studies and historic preservation reviews.

Council President David A. Franczyk, one of only two city lawmakers who opposed the sale, said he feels vindicated. "The state broke the laws, and laws are there for a reason," he said.

Michael Kuzma, a Franczyk aide and attorney who heads the group Friends of J.N. Adam, called the ruling "a big win."

Thomas S. Trathen, president of the Livingston County-based logging company, said he is disappointed with the ruling, which he thinks was based on misinformation. Trathen plans to meet today with state officials to discuss back-up strategies. He wouldn't say whether he plans to ask the state's highest court to hear an appeal.

"But we're not looking to give up our rights on the sale because

of some obstructionists. That's just not going to happen," he said.

"We have a right to obstruct bad projects," countered Richard Lippes, an attorney who represents Friends of J.N. Adam.

When Council members delayed action on the land sale in 2005, they faced criticism from the city's control board, which said lawmakers should be more concerned about conditions on Buffalo's Forest Avenue than with a forest 35 miles south of Buffalo. Franczyk never supported the sale, but he said it makes even less sense now, given Buffalo's improved finances.

"We were more desperate to take anything back then, even if it meant chopping down beautiful forests and destroying historic buildings."

Nearly 40 structures that were once part of the hospital still stand.

e-mail: bmeyer@buffnews.com

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Anyone with information is encouraged to call the Buffalo police Confidential Tipline at 847-2255.

Traffic stop leads to two arrests

Two Buffalo men were arrested after they allegedly ran a stop sign shortly after leaving a known Lackawanna drug house, Lackawanna police reported.

Mitchell J. Woodruff, 20, of Hewitt Street, the driver, faces two felony counts of criminal possession of a controlled substance and loitering for the purpose of selling narcotics. Woodruff was found with 36 bags of crack cocaine in his pants, police said.

A passenger, 16-year-old Donald Applewhite of Kensington Avenue, was arrested on a juvenile delinquent warrant and also charged with loitering and weapons possession after police say they found him with a switchblade knife.

The two were tracked down at about 9:30 p.m. by Lackawanna police Lt. Joseph Leo and Officers Chuck Jaworski, Phil Fraterrigo and Daniel Wil-

son. The house they were visiting has been under police surveillance for drug activity.

Man, woman hurt in crash; neither admits being driver

NEWFANE — A man and woman were hospitalized with multiple injuries Monday after their vehicle hit a tree and rolled over, but authorities don't know which one was driving because neither would admit being behind the wheel.

The two, of Newfane, were taken by Mercy Flight to Erie County Medical Center, Buffalo, after the crash. Leona Heigl-Gilbert, 58, was listed in stable condition, and Mark Gilbert, 46, was in fair condition, a hospital spokesman said. Their relationship was not immediately known.

The vehicle was traveling south on Checkered Tavern Road when it left the road, struck a tree, rolled over and came to rest in a field just after midnight, Niagara County sheriff's deputies said.

Both people denied driving, deputies said. An assistant district attorney was called, and blood was drawn from both victims to determine if drugs or alcohol was involved, deputies said.

Woman says girl forced her to drive to West Side

An Orchard Park woman told Buffalo police that she was kidnapped Sunday night by a teenage girl who forced her to drive her to a West Side neighborhood.

The woman was not injured, but she told police that her kidnapper used an object to hit her in her head.

The woman told South District police that she left the Family Dollar, 670 S. Ogden St., at about 6:45 p.m. and was approached by a teenage girl, described as 14 to 16 years old.

The girl tried to make conversation with her, but when the woman got into her car and started the ignition, the girl opened a rear car door and jumped into the back seat, police reported.

The girl hit the woman on the head and said, "Go or I will shoot you." No weapon was displayed.

Police said the girl then told the woman to drive onto the Niagara Thruway and get off at Niagara Street. The woman complied and dropped the girl off in the area of 10th Street on the city's West Side at about 7 p.m.

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